

4/21/06

06-CV-574
(DL)(RLM)

To the Court

Please note will defend - this case
my attorney has been hospitalized (last
Friday) - frankly I am lost without her
she agreed to represent me and then was hosp
italized and will remain under care for at
least 90 days probably longer - Consideration
of this fact is sought from the Court
regarding this issue.

Thank You

Joe Magnus

APR 24 2006

B)

P.S.
Am searching for new counsel, this is a
rural part of West Virginia and it is
difficult, she was familiar with the case
and am really lost without her services.

PPS. Please note the venue question on
other sheet - she absolutely was to challenge
this - absolutely - as well as other aspects of
charges will be challenged by her or new
counsel.

13 Before the court, all my attorney wrote & told me
bizarre & inaccurate - I or my business never lived
in ~~any~~ ^{owned} property in, or had any connection to New
York City or State - I have not even been in
New York since 1999, even for a visit! JR

4. Plaintiff also asserts actions under states' laws, which may be brought within the

16.11. requests that this

4. Plaintiff also asserts actions and supplemental jurisdiction of this Court, and Plaintiff respectfully requests that this Court grant said claims. 28 U.S.C. 1343(2).

Honorable Court exercise supplemental jurisdiction over said claims. 28 U.S.C. 1367.

5. * Venue is proper in this District as the Defendant resides in this judicial district. 28

U.S.C. 1391(b),(c).

6. Plaintiff requests a trial by jury.

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7. Over the past six years Defendant did request and receive from Plaintiff, various

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items of gold jewelry for the purpose of inspection and to show to Defendant's customers.

11. Plaintiff for the sold item

8. Said jewelry was often sold and Defendant would pay Plaintiff for the sold items,

however, numerous items of jewelry remained with Defendant.

9. Plaintiff did demand that Defendant pay for the outstanding items and at the time of this complaint; the total sum due was \$151,000.00, exclusive of any adjustment in the market fluctuations of the price of gold.

10. Defendant promised to pay the outstanding balance and did make periodic payments from time to time.

11. Demand for payment has been made by Plaintiff upon defendant and defendant has refused to pay.

COUNT TWO

12. Plaintiff repeats, reiterates and realleges each and every allegation contained in the paragraphs of this complaint in Count One with the same force and effect as if herein fully set forth.

13. Said sum due to plaintiff constitutes an account stated.

SD-440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Eastern

District of

New York

HOWARD KATZ,
Plaintiff

V.

JOE ROBERT MOGUS AND
ALL THAT GLITTERS, INC.,

SUMMONS IN A CIVIL ACTION

FILED

IN CLERK'S OFFICE
U.S. DISTRICT COURT, E.D.N.Y.

★ APR 24 2006 ★

BROOKLYN OFFICE

CASE NUMBER:

TO: (Name and address of Defendant)

All That Glitters, Inc
125 Ruffed Grouse Lane
Berkeley Springs, WV 25411

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Shmuel Klein, Esq. sk-7212
Law Offices of Shmuel Klein, P.C.
268 Route 59
Spring Valley, NY 10977
(845) 425-2510

Will ~~be~~ defend against these charges, absolutely
Joe Mogus

an answer to the complaint which is served on you with this summons, within 30 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

Joe Mogus

CLERK

DATE

(By) DEPUTY CLERK

MASS
Box 602
Cross Junction
VA 22605

United States District Court (Eastern)
*(Intake)
885 Cadman Plaza East
Brooklyn New York
11201